

§ 6.34

(c) If the license fee is not paid by the final payment date, a hold will be placed on the use of the license and no articles will be permitted entry under that license. The Licensing Authority shall send a warning letter by certified mail, return receipt requested, advising the licensee that if payment is not mailed in accordance with § 6.36(b) or received within 21 days from the date of the letter, that the license will be revoked. Where the license at issue is a historical license, this will result, pursuant to § 6.23(b), in the person's loss of historical eligibility for such license.

(d) Licensees may elect not to accept certain licenses issued to them; however, the Licensing Authority must be so notified by mail or electronic e-mail, postmarked or electronically submitted in accordance with § 6.36(b) no later than May 1 of the year for which the license is issued.

[61 FR 53007, Oct. 9, 1996, as amended at 69 FR 59764, Oct. 6, 2004]

§ 6.34 Adjustment of Appendices.

(a) Whenever a historical license (Appendix 1) is not issued to an applicant pursuant to the provisions of § 6.23, is permanently surrendered or is revoked by the Licensing Authority, the amount of such license will be transferred to Appendix 2.

(b) The cumulative annual transfers to Appendix 2 made in accordance with paragraph (a) will be published in the FEDERAL REGISTER. If a transfer results in the addition of a new article, or an article from a country not previously listed in Appendix 2, the Licensing Authority shall afford all eligible applicants for that quota year the opportunity to apply for a license for such article.

§ 6.35 Correction of errors.

(a) If a person demonstrates, to the satisfaction of the Licensing Authority, that errors were made by officers or employees of the United States Government, the Licensing Authority will review and rectify the errors to the extent permitted under this subpart.

(b) To be considered, a person must provide sufficient documentation regarding the error to the Licensing Authority by letter, postmarked not later than August 31 of the calendar year fol-

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lowing the calendar year in which the error was alleged to have been committed.

(c) If the error resulted in the loss of a historical license by a license holder, the Licensing Authority will transfer the amount of such license from Appendix 2 to Appendix 1 in order to provide for the issuance of such license in the calendar year following the calendar year for which the license was revoked. The cumulative annual transfers to Appendix 1 in accordance with this paragraph will be published in the FEDERAL REGISTER.

[65 FR 1298, Jan. 10, 2000]

§ 6.36 Miscellaneous.

(a) If any deadline date in this subpart falls on a Saturday, Sunday or a Federal holiday, then the deadline shall be the next business day.

(b) All submissions required under this subpart shall be made either by registered or certified mail, return receipt requested, with a postmarked receipt, with proper postage affixed and properly addressed to the Dairy Import Licensing Group, STOP 1021, U.S. Department of Agriculture, 1400 Independence Avenue SW., Washington DC 20250-1021, or by electronic submission utilizing the electronic software designated for this purpose by the Licensing Authority.

[61 FR 53007, Oct. 9, 1996. Redesignated at 65 FR 1298, Jan. 10, 2000; 69 FR 59764, Oct. 6, 2004]

§ 6.37 Superseding of Import Regulation 1, Revision 7.

This subpart will supersede the provisions of Import Regulation 1, Revision 7 heretofore in effect (§§ 6.20 through 6.33 and appendices 1 through 3 as contained in 7 CFR subtitle A revised as of January 1, 1996). With respect to any violation of the provisions of that regulation by a licensee prior to the effective date hereof, the provisions of that regulation will be deemed to continue in full force; however, the debarment and suspension of § 6.31 of this subpart shall apply with respect to any violation of that regulation.

[61 FR 53007, Oct. 9, 1996. Redesignated at 65 FR 1298, Jan. 10, 2000]

Office of the Secretary, USDA

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APPENDICES 1-3 TO SUBPART—DAIRY TARIFF-RATE IMPORT QUOTA LICENSING

APPENDICES 1, 2 AND 3 TO SUBPART—DAIRY TARIFF-RATE IMPORT QUOTA LICENSING

[Articles Subject to: Appendix 1, Historical Licenses; Appendix 2, Nonhistorical Licenses; and Appendix 3, Designated Importer Licenses for Quota Year 2004 (quantities in kilograms)]

Article by Additional U.S. Note Number and Country of Origin NON-CHEESE ARTICLES	Appendix 1	Appendix 2	Appendix 3	
			Tokyo Round	Uruguay Round
BUTTER (NOTE 6)	5,421,214	1,555,786	.....	.....
EU-15	75,918	20,243	.....	.....
New Zealand	118,082	32,511	.....	.....
Other Countries	55,902	18,033	.....	.....
Any Country	5,171,312	1,484,999	.....	.....
DRIED SKIM MILK (NOTE 7)	600,076	4,660,924	.....	.....
Australia	600,076	.....	.....	.....
Canada .....	.....	219,565	.....	.....
Any Country .....	.....	4,441,359	.....	.....
DRIED WHOLE MILK (NOTE 8)	3,175	3,318,125	.....	.....
New Zealand	3,175	.....	.....	.....
Any Country .....	.....	3,318,125	.....	.....
DRIED BUTTERMILK/WHEY (NOTE 12)	63,820	161,161	.....	.....
Canada .....	.....	161,161	.....	.....
New Zealand	63,820	.....	.....	.....
BUTTER SUBSTITUTES CONTAINING OVER 45 PERCENT OF BUTTERFAT AND/OR BUTTER OIL (NOTE 14) .....	.....	6,080,500	.....	.....
Any Country .....	.....	6,080,500	.....	.....
TOTAL: NON-CHEESE ARTICLES	6,088,285	15,776,496	.....	.....

Article by Additional U.S. Note Number and Country of Origin CHEESE ARTICLES	Appendix 1	Appendix 2	Appendix 3	
			Tokyo Round	Uruguay Round
CHEESE AND SUBSTITUTES FOR CHEESE (EXCEPT: SOFT RIPENED COW'S MILK CHEESE; CHEESE NOT CON- TAINING COW'S MILK; CHEESE (EXCEPT COTTAGE CHEESE) CONTAINING 0.5 PERCENT OR LESS BY WEIGHT OF BUTTERFAT; AND, ARTICLES WITHIN THE SCOPE OF OTHER IMPORT QUOTAS PROVIDED FOR IN THIS SUBCHAPTER) (NOTE 16)	23,527,549	7,942,182	9,661,128	7,496,000
Argentina	7,690	.....	92,310	.....
Australia	535,628	5,542	758,830	1,750,000
Canada	1,031,946	109,054	.....	.....
Costa Rica .....	.....	.....	.....	1,550,000
Czech Republic .....	.....	.....	.....	200,000
EU-15	15,365,028	6,966,404	1,132,568	2,346,000
Of which Portugal is:	127,536	1,773	223,691	.....
Israel	79,696	.....	593,304	.....
Iceland	294,000	.....	29,000	.....
New Zealand	4,461,713	353,759	6,506,528	.....
Norway	124,982	25,018	.....	.....
Poland	917,497	18,727	.....	300,000
Slovak Republic .....	.....	.....	.....	600,000
Switzerland	597,513	73,899	548,588	500,000
Uruguay .....	.....	.....	.....	250,000
Other Countries	111,856	89,779	.....	.....
Any Country .....	.....	300,000	.....	.....
BLUE-MOLD CHEESE (EXCEPT STILTON PRODUCED IN THE UNITED KINGDOM) AND CHEESE AND SUB- STITUTES FOR CHEESE CONTAINING, OR PROCESSED FROM, BLUE-MOLD CHEESE (NOTE 17)	2,290,547	190,454	.....	430,000
Argentina	2,000	.....	.....	.....
EU-15	2,288,546	190,454	.....	300,000
Chile .....	.....	.....	.....	80,000
Czech Republic .....	.....	.....	.....	50,000
Other Countries	1	.....	.....	.....
CHEDDAR CHEESE, AND CHEESE AND SUBSTITUTES FOR CHEESE CONTAINING, OR PROCESSED FROM, CHED- DAR CHEESE (NOTE 18)	3,655,039	628,817	519,033	7,620,000
Australia	937,721	46,778	215,501	1,250,000
Chile .....	.....	.....	.....	220,000
Czech Republic .....	.....	.....	.....	50,000

Article by Additional U.S. Note Number and Country of Origin CHEESE ARTICLES	Appendix 1	Appendix 2	Appendix 3	
			Tokyo Round	Uruguay Round
EU–15	52,404	210,596	.....	1,000,000
New Zealand	2,539,040	257,428	303,532	5,100,000
Other Countries	125,874	14,015	.....	.....
Any Country .....	.....	100,000	.....	.....
AMERICAN-TYPE CHEESE, INCLUDING COLBY, WASHED CURD AND GRANULAR CHEESE (BUT NOT INCLUDING CHEDDAR) AND CHEESE AND SUBSTITUTES FOR CHEESE CONTAINING OR PROCESSED FROM SUCH AMERICAN-TYPE CHEESE (NOTE 19)	2,842,435	323,118	357,003	.....
Australia	830,124	50,874	119,002	.....
EU–15	186,222	167,778	.....	.....
New Zealand	1,662,224	99,775	238,001	.....
Other Countries	163,865	4,691	.....	.....
EDAM AND GOUDA CHEESE, AND CHEESE AND SUB- STITUTES FOR CHEESE CONTAINING, OR PROCESSED FROM, EDAM AND GOUDA CHEESE (NOTE 20)	5,252,765	353,637	.....	1,210,000
Argentina	119,003	5,997	.....	110,000
Czech Republic .....	.....	.....	.....	100,000
EU–15	5,009,619	279,381	.....	1,000,000
Norway	114,318	52,682	.....	.....
Other Countries	9,825	15,577	.....	.....
ITALIAN-TYPE CHEESES, MADE FROM COW'S MILK, (RO- MANO MADE FROM COW'S MILK, REGGIANO, PAR- MESAN, PROVOLONE, PROVOLETTI, SBRINZ, AND GOYA-NOT IN ORIGINAL LOAVES) AND CHEESE AND SUBSTITUTES FOR CHEESE CONTAINING, OR PROC- ESSED FROM, SUCH ITALIAN-TYPE CHEESES, WHETHER OR NOT IN ORIGINAL LOAVES (NOTE 21)	6,491,099	1,029,448	795,517	5,165,000
Argentina	3,944,769	180,714	367,517	1,890,000
EU–15	2,535,930	846,070	.....	700,000
Poland .....	.....	.....	.....	1,325,000
Romania .....	.....	.....	.....	500,000
Uruguay .....	.....	.....	428,000	750,000
Other Countries	10,400	2,664	.....	.....
SWISS OR EMMENTHALER CHEESE OTHER THAN WITH EYE FORMATION, GRUYERE-PROCESS CHEESE AND CHEESE AND SUBSTITUTES FOR CHEESE CONTAINING, OR PROCESSED FROM, SUCH CHEESES (NOTE 22)	5,676,043	975,271	823,519	380,000
EU–15	4,330,758	821,236	393,006	380,000
Switzerland	1,270,525	148,962	430,513	.....
Other Countries	74,760	5,073	.....	.....
CHEESE AND SUBSTITUTES FOR CHEESE, CONTAINING 0.5 PERCENT OR LESS BYWEIGHT OF BUTTERFAT (EX- CEPT ARTICLES WITHIN THE SCOPE OF OTHER TARIFF- RATE QUOTAS PROVIDED FOR IN THIS SUBCHAPTER), AND MARGARINE CHEESE (NOTE 23)	3,037,225	1,387,683	1,050,000	.....
EU–15	3,037,224	1,212,776	.....	.....
Israel .....	.....	.....	50,000	.....
New Zealand .....	.....	.....	1,000,000	.....
Poland .....	.....	174,907	.....	.....
Other Countries	1	.....	.....	.....
SWISS OR EMMENTHALER CHEESE WITH EYE FORMA- TION (NOTE 25)	18,149,617	4,147,714	9,557,945	2,620,000
Argentina .....	.....	9,115	70,885	.....
Australia	209,698	.....	290,302	.....
Canada .....	.....	.....	70,000	.....
Czech Republic .....	.....	.....	.....	400,000
Hungary .....	.....	.....	.....	800,000
EU–15	13,190,754	3,286,074	4,003,172	1,220,000
Iceland	149,999	.....	150,001	.....
Israel	27,000	.....	.....	.....
Norway	3,192,843	462,467	3,227,690	.....
Switzerland	1,294,048	390,057	1,745,895	200,000
Other Countries	85,275	1	.....	.....
TOTAL: CHEESE ARTICLES	70,922,319	16,978,324	22,764,145	24,921,000

[69 FR 27819, May 17, 2004]

Subpart—Price-Undercutting of Domestic Cheese by Quota Cheeses

AUTHORITY: Sec. 702, Pub. L. 96-39, 93 Stat. 144, 19 U.S.C. 1202 note.

SOURCE: 45 FR 9883, Feb. 13, 1980, unless otherwise noted.

§ 6.40 General.

This subpart sets forth the procedures applicable to the determination by the Secretary of Agriculture as to whether the price at which any article of quota cheese is being offered for sale in the United States on a duty-paid wholesale basis is less than the domestic wholesale market price of similar articles produced in the United States (i.e., price-undercutting) in accordance with section 702 of the Trade Agreements Act of 1979 (Pub. L. 96-39, 93 Stat. 144, 19 U.S.C. 1202 note) (hereinafter referred to as the Act).

§ 6.41 Definitions.

(a) *Complainant* means the person who has filed with the Investigating Authority, in accordance with the procedures set forth in this subpart, a written complaint alleging that price-undercutting is occurring.

(b) *Country of origin* means the country, as defined in 19 CFR 134.1(b), in which the quota article subject to this regulation was produced or manufactured.

(c) *Foreign government* means the government of the country of origin or, for purposes of determining whether a subsidy has been provided for the member states of the European Economic Community, the subsidy granting bodies of the European Economic Community.

(d) *Investigating Authority* means the Director, Dairy, Livestock and Poultry Division, Commodity Programs, Foreign Agricultural Service.

(e) *Quota cheese* means the articles provided for in the following items of the Tariff Schedules of the United States:

117.00 (except Stilton produced in the United Kingdom);
117.05 (except Stilton produced in the United Kingdom);
117.15;
117.20;
117.25;

117.42;
117.44;
117.55;
117.60 (except Gammelost and Nokkelost);
117.75 (except goat's milk cheeses and soft-ripened cow's milk cheeses);
117.81;
117.86;
117.88 (except goat's milk cheeses and soft-ripened cow's milk cheeses);

(f) *Secretary* means the Secretary of Agriculture.

(g) *Subsidy* has the same meaning as such term has in section 771(5) of the Tariff Act of 1930 as added by section 101 of the Trade Agreements Act of 1979 (19 USC 1677(5)).

(h) The *United States* means the Customs Territory of the United States, which is limited to the United States, District of Columbia and Puerto Rico.

§ 6.42 Complaints of price-undercutting.

(a) *Submission of complaint.* Any person who has reason to believe that the price at which any article of quota cheese is offered for sale or sold in the United States on a duty-paid wholesale price basis is less than the domestic wholesale market price of similar articles produced in the United States and that a foreign government is providing a subsidy with respect to such article of quota cheese may file with the Investigating Authority a written complaint making such allegation.

(b) *Contents of complaint.* Such complaint shall contain, or be accompanied by, information to substantiate complainant's allegations, in substantially the following form:

(1) The name and address of the complainant.

(2) The location of the domestic wholesale market in which price-undercutting is alleged to be occurring.

(3) The article of quota cheese involved in the alleged price-undercutting.

(4) The country of origin of such article of quota cheese.

(5) The similar domestic article, the price of which the complainant believes is being undercut.

(6) The month and year that the complainant first concluded that the price-undercutting was taking place.

(7) To extent known to the complainant, all pertinent facts with regard to